

REMARKS

This is a full and timely response to the Office Action mailed May 12, 2005, submitted concurrently with a two month extension of time to extend the due date for response to October 12, 2005.

No claims have been amended in this response. Thus, claims 3-8 remain pending in this application.

In view of this response, Applicants believe that all pending claims are in condition for allowance. Reexamination and reconsideration in light of the following remarks is respectfully requested.

Rule 1.131 Declaration

Applicants have submitted a Rule 1.132 Declaration in support of the arguments herein below. Applicants note that the Declaration is unexecuted. However, an executed Declaration will be filed with a Supplemental Response as soon as it is received by the undersigned Attorney.

Rejection under 35 U.S.C. §103

Claims 3-8 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,706,801 to Blum et al. Applicants wish to provide further comments with respect to this rejection.

Claim 3 was amended in Applicant's response dated November 18, 2004 to recite that the ratio of isocyanate group in the (D) component to 1 equivalent of hydroxyl group in the (A) component is greater than 2.0 equivalents and less than or equal to 4.0 equivalents.

In Examples (as shown in the present specification) where the HCO/OH equivalent ratio is below 2.0, the gloss of the coating film is deteriorated. This is due to the fact that when top coating is carried out, it tends to be solved with solvent of coating material for top coating. An example of such deterioration can be found in the Comparative Example disclosed in the specification in which 0.7 NCO/OH equivalents ratio is used. Such a feature is not at all disclosed, taught or suggested by Blum et al. '801.

The Examiner has deemed such arguments to be unpersuasive since "*Applicants have not established criticality of the presently claimed ratio, i.e. greater than 2.0 or 2.2, as*

compared to the ratio of Blum et al.” (see page 7, lines 13 and 14 of the Action). To address the Examiner’s position in this regard, Applicant has submitted a Declaration under 37 C.F.R. §1.132 showing the criticality of the presently claimed ratio of “greater than 2.0 or 2.2”. From the Experiments presented in the Declaration, it is clearly shown that Test Coated Plate (I) having 2.2 NCO/OH equivalent ratio (which is within the scope of the claimed invention) exhibited good results in both coating performance and substrate shielding ability, while Test Coated Plate (II) having 2.0 NCO/OH equivalent ratio as disclosed by Blum et al (U.S. Patent No. 6,706,801) did not exhibit good results.

Hence, it is clear that Blum et al. fails to teach or suggest the limitation “*a ratio of isocyanate group in the (D) component to 1 equivalent of hydroxyl group in the (A) component is greater than 2.0 equivalents and less than or equal to 4.0 equivalents*” as well as its resulting superior effects on the coating composition and method of the present invention. As the Examiner already knows, a showing of superior and unexpected properties can rebut a *prima facie* case of obviousness. *In re Papesch*, 315 F.2d 381, 137 USPQ 43 (CCPA 1963).

Thus, for this and other reasons previously discussed, withdrawal of this §103 rejection is respectfully requested.

CONCLUSION

For the foregoing reasons, claims 3-8 are allowable, and the present application is in condition for allowance. Accordingly, favorable reexamination and reconsideration of the application in light of these remarks and Rule 1.132 Declaration is courteously solicited. If the Examiner has any comments or suggestions that would place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number below.

Applicant believes no additional fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. KPC-294 from which the undersigned is authorized to draw.

Dated: October 11, 2005

Respectfully submitted,

By 
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